

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HARRY R. HARRIS,

Plaintiff,

v.

No. 12-cv-1290 SMV/KBM

DURHAM SCH. SERVS.,

Defendant.

**ORDER SETTING PRETRIAL MOTIONS HEARING, PRETRIAL CONFERENCE,
AND NON-JURY TRIAL**

THIS MATTER is before the Court on a telephonic status conference held on February 19, 2013. The following settings and deadlines are hereby imposed.

A **Pretrial Motions Hearing** will be held on **October 28, 2013, at 9:00 a.m.** in the Cimarron Courtroom, fifth floor, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico. The parties need not be present. All pending pretrial motions, including motions in limine, will be heard throughout the course of the day; counsel shall therefore be prepared to attend for the entire day.

A **Pretrial Conference** will be held on **November 25, 2013, at 9:00 a.m.** in the Rio Grande Courtroom, third floor, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico. Lead trial counsel must be present for the Pretrial Conference. The parties need not be present.

The **Non-Jury Trial** will begin on **December 3, 2013, at 9:00 a.m.**, and end no later than **December 5, 2013**, in the Rio Grande Courtroom, third floor, Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico.

Witness lists, designations of deposition testimony, exhibit lists and books of exhibits, and requested findings of fact and conclusions of law are due **November 5, 2013**. Any responses or objections are due **November 12, 2013**.

The parties are encouraged, but not required, to submit trial briefs outlining basic legal theories, anticipated evidence in support of the theories, and the legal basis of any anticipated evidentiary disputes. The briefs are due **November 26, 2013**.

Witness Lists: The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial. Witnesses shall be listed in the order in which they will be called to testify at trial.

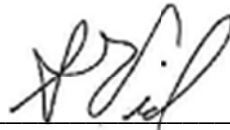
Designations of Deposition Testimony: The parties shall file designations of deposition testimony that they intend to use at trial. The designations must state the pages and lines of the deposition to be used. Counsel must submit copies of the depositions to my chambers by the due date above and must highlight the parts of the depositions that are to be used. Plaintiff(s) will use a yellow marker and Defendant(s) a blue marker. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial.

Exhibits: The parties shall file one list of stipulated exhibits and separate lists of contested exhibits. They shall also submit two books of marked exhibits to my chambers. The first book shall include exhibits that the parties stipulate to be admissible, and shall be labeled consecutively. The second book shall include exhibits whose admissibility is contested, and

shall be labeled consecutively beginning with the next sequential number after the final stipulated exhibit designation. For instance, if there are 50 stipulated exhibits, 20 contested plaintiff's exhibits, and 20 contested defendant's exhibits, the first notebook shall contain stipulated exhibits numbered 1 to 50. The second notebook shall contain plaintiff's contested exhibits numbered 51 through 70 and defendant's contested exhibits numbered 71 through 90.

Requested Findings of Fact and Conclusions of Law: The parties shall file requested findings of fact and conclusions of law. In addition, the requested findings of fact and conclusions of law should be emailed in Microsoft Office Word format to smvproposedtext@nmcourt.fed.us.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent